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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,775	02/20/2004	Chad G. Harris	S63.2B-13993-US01	3745
499 7590 05/22/2009 VIDAS, ARRETT & STEINKRAUS, P.A. SUITE 400, 6640 SHADY OAK ROAD EDEN PRAIRIE, MN 55344				
EXAMINER				
VU, QUYNH-NHU HOANG				
ART UNIT		PAPER NUMBER		
3763				
MAIL DATE		DELIVERY MODE		
05/22/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/781,775

Applicant(s)

HARRIS ET AL.

Examiner

QUYNH-NHU H. VU

Art Unit

3763

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 13, 14 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 13-14, 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Amendment and Request for Continued Examination (RCE) filed on 4/7/09 have been entered.

Claims 1, 4, 13-14, 17 are present for examination.

Claims 2-3, 5-12, 15-16, 18-20 are cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (US 6,258,064).

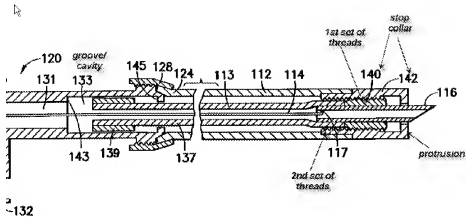
Smith discloses an injection catheter comprising: a first elongated shaft 112 having a distal end and a proximal end and a first lumen extending there between;

a needle 116 with a proximal end and distal end and a needle lumen extending there between, the needle disposed within the first lumen of the first elongated shaft and extending from a proximal end of the catheter to a distal end of the catheter;

a stop collar 140, 142 disposed within the first lumen of the first elongated shaft near the distal end of the needle; the stop collar having a protrusion portion thereon configured to prevent lateral movement of the stop collar within the first elongated shaft (see Fig. 7 below);

a first set of threads of element 140 located on the needle;

and a second set of threads located on the stop collar 142; wherein rotation of the needle within the first elongated shaft causes longitudinal movement of the stop collar relative to the needle within the first elongated shaft, the positioning of the stop collar within the first elongated shaft controlling a variable extent to which the needle may be extended beyond the distal end of the first elongated shaft.

**FIG. 7**

As noted that, Applicant discloses in Fig. 3 that the needle having a first set of thread 339. However, Applicant discloses in claim 1 that a first set of threads located on the needle can be interpreted two ways: a) the needle having a thread set formed within needle wall or b) an element having thread set located on the needle. With the broadest interpretation, the needle sleeve/stop collar having a thread set and located on the needle can be read the limitation above. Beside that, the needle having thread set formed within the needle wall is very well-known in the needle art. Pshenichny et al. (US 3,750,667) is one of the examples that needle having a thread formed within the needle wall.

Regarding claim 4, wherein the portion of the stop collar configured to prevent lateral movement comprises: a plurality of outwardly extending longitudinal protrusions located on the stop collar; and a plurality of grooves 133 in an inner surface of the first elongated shaft to slidably receive the plurality of outwardly extending longitudinal protrusions, col. 8, ll.35-39.

Regarding claim 13, the first elongated shaft is made of a low friction material (PTFE).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3763

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al.

Smith discloses the claimed invention except for the shaft made of polytetrafluoroethylene. It would have been obvious to one having ordinary skill in the art at the time the invention was made to an elongated shaft made of low friction material such as polytetrafluoroethylene, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. It is well-known in the art to provide a low friction material to easy insert the catheter into the body.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Mickey (WO 02/11807).

Smith discloses the claimed invention except for the first elongated shaft is reinforced with a braid.

Mickey discloses that the elongated shaft including a reinforcement (e.g. braided or coiled wire) (page 8, lines 5-6).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the device of Smith with a reinforcement, as taught by Mickey, in order to increase the flexibility of catheter.

Response to Arguments

Applicant's arguments with respect to claims 1, 4, 13-14 and 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh-Nhu H. Vu whose telephone number is 571-272-3228. The examiner can normally be reached on 6:00 am to 3:00 pm.

Art Unit: 3763

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas D Lucchesi/
Supervisory Patent Examiner, Art Unit 3763

Quynh-Nhu H. Vu
Examiner
Art Unit 3763